with full knowledge of all existing ones on the same subject, and it is therefore reasonable to conclude that the Legislature, in passing a statute, did not intend to interfere with or abrogate any prior law relating to the same matter, unless the repugnancy between the two is irreconcilable." Sedgwick, St. Const. 106.

TORTS — SELF-DEFENCE. — The defendant, in order to protect himself from X who carried a bag of dynamite, took the plaintiff's hand, and so gently drew him between himself and X that plaintiff was barely conscious of the impulse. An explosion of dynamite followed, by which plaintiff was injured. *Held*, the defendant was liable if he deliberately placed the plaintiff as a screen between himself and the danger. It was a question for the jury whether his action was intentional or a mere reflex resulting from the acts of X. *Laidlaw* v. *Sage*, 25 N. Y. Supp. 955.

For a discussion of this case, see 7 HARVARD LAW REVIEW, 302.

TRUSTS — STATUTE OF LIMITATIONS. — A fund was held by trustees for A and B equally, for their lives, and then the share of each to go to his children. The trustees gave this fund to a solicitor, who invested it, with money belonging to other persons, in an equitable mortgage. This mortgage was paid off, and, A having died, the solicitor gave A's share to his children, and kept B's share in his own hands. The solicitor then died. Twelve years after, B brought action for his moiety against the solicitor's executrix. *Held*, that the statute of limitations was no bar on the ground that the solicitor had been an express trustee, and that therefore B could recover. *Soar* v. *Ashwell*, [1893] 2 Q. B. 390.

The general rule is that the statute of limitations does not begin to run in favor of an express trustee until he has done some act which is inconsistent with or repugnant to the fiduciary relation which he bears to the *cestui que trust*. A constructive trustee, on the other hand, becomes such because of his wrongful act and adverse claim, and hence the statute runs in his favor from the first. The distinction between an express and a constructive trustee in this respect is neatly exemplified in the above case. The facts showed quite clearly that a fiduciary relation, rather than a relation of debtor and creditor, arose between the solicitor and those who intrusted to him the fund. B's cause of action, therefore, is based on the mere failure of the solicitor to hand over the moiety. This of itself showed no adverse claim of title by the solicitor sufficient to make him a constructive trustee, and hence, the fiduciary relation continuing to exist, the statute never began to run. The decision seems clearly right. See 2 Lewin on Trusts (9th ed.), 983 *et seq.*

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# REVIEWS.

SPEECHES AND ADDRESSES OF WILLIAM E. RUSSELL. Selected and Edited by Charles Theodore Russell, Jr. With an Introduction by Thomas Wentworth Higginson. 8mo, pp. 469. Boston: Little, Brown, & Co., 1894.

The remarkable success of Governor Russell's career must of itself lend a certain interest to a collection of his speeches and addresses, whatever their intrinsic merit. To the discreet reader, curious to fathom the reasons of this success, much is here suggested. The speeches on the tariff show Governor Russell's method at its best. He investigated thoroughly the industries of each town in which he spoke, and drew inferences from the daily life of the people who heard him. He was not content with generalities, but sought to drive his meaning home. In permitting a number of his speeches to be thus collected in permanent form, he "has acted," as Colonel Higginson says, "wisely — and, at any rate, frankly — showing himself at his average, without apology and without

flinching, and taking the risk that all his themes may not prove alike interesting. . . . Should Mr. Russell ever be called to re-enter public life, his whole platform up to this time has been presented without concealment in these pages." E. B. A.

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THE GREEN BAG. Vol. V. 1893. Boston, The Boston Book Co.

A binding is ordinarily praised because of deficiencies within it, but the binding of this volume of the Green Bag deserves mention on account of its appropriateness to an inside by no means deficient. A department conducted by Irving Browne, and called the "Lawyer's Easy Chair," is an improvement of the past year, and the sketches of courts, biographies of judges and lawyers, and other light legal miscellany, continue to make the magazine interesting and amusing to the profession. R. W. H.